

## Refugees' integration in Uganda will require renewed lobbying

Georgia Cole

**A legal decision about whether refugees in Uganda can become citizens continues to be delayed.**

Despite being a country with a relatively progressive history of responding to refugees, Uganda unfortunately appears nonetheless to be falling at the final hurdle. As it currently stands, a number of long-staying refugees within Uganda have approached the Department for Immigration to apply for citizenship and have been denied by the authorities on dubious legal grounds.

On 30th August 2010 a Petition was therefore filed in the Constitutional Court on behalf of several Congolese refugees to request the interpretation of the law vis-à-vis the opportunities for refugees to naturalise in Uganda, that is, to become Ugandan citizens. This was in response to the concern of numerous actors that the supposed impediments to refugees' naturalising within the country are a case of discriminatory practice, rather than legislatively justifiable.

It appears that the main source of contention lies in the misinterpretation of the difference between registration as citizens and naturalisation. The Uganda Citizenship and Immigration Control Act (1999) makes it clear in Article 14 on 'Citizenship by registration' that children or grandchildren of individuals who entered Uganda as refugees are not entitled to be **registered** as citizens of Uganda (as is generally the case in states where citizenship depends on the nationality of parents and not on whether the person is born in the country). Although this Article does not apply to those who arrived as refugees, it is nonetheless wrongly cited by many actors to dismiss the right of refugees at any point to gain Ugandan citizenship.

In Article 16, however, on 'Citizenship by naturalisation' it clearly states that "the

board may grant to any alien<sup>1</sup> citizenship by naturalisation subject to the provisions of this section". These provisions include that: an individual has lived in Uganda for a total period of 20 years; they have lived in Uganda for the whole two years prior to applying for naturalisation; they have an adequate knowledge of either a vernacular language or English; they are of good character; and they intend to remain in Uganda permanently, should their request for naturalisation prove successful. Provided they have access to the appropriate documentation – which may also entail many hindrances – fulfilling such requirements after decades in Uganda would not be difficult for many refugees.

### Delays at the Constitutional Court

Unfortunately the discussion of this Petition by the Court, like many others currently awaiting interpretation, appears to have been constantly thwarted. Although on numerous occasions in the years after its filing the Petition has been scheduled for a hearing, on no date has the Court achieved the quorum required to address the applicants' questions. Upon enquiry at the Court as to when it might be discussed after three years of inactivity, it was suggested by the staff that the issue was so politicised that it was unlikely that the case would go any further without either being re-submitted, or without significant pressure from concerned parties.

In light of the Cessation Clause for Rwandan Refugees within Uganda, and thus the desire by many organisations to find ways to regularise the immigration status of Rwandans within the country prior to the loss of their refugee status, I was regularly told during fieldwork in late 2013 that the only impediment to this was the ruling of the Constitutional Court. Many of the concerned

November 2014

parties, including representatives of the Government of Uganda, the Government of Rwanda, the United Nations High Commissioner for Refugees (UNHCR) and non-governmental organisations (NGOs), nonetheless stated that they were working to expedite the Petition's resolution and thus were expecting an interpretation imminently.

Evidence would suggest, however, that the importance bestowed on this Petition by organisations working with refugees has not been met by a corresponding investment in attempts to resolve it. One of the law firms in Kampala hired to represent this case stated that it had not received legal or financial support from any organisations to assist them with the Petition since it became involved in the issue in 2010. The representative of the other law firm had moved to South Sudan, and was no longer actively engaged in the case.

The attribution of responsibility for pushing the Petition forward is thus confused. Evidently representatives of the Government of Uganda are in a difficult position. They are torn between their responsibilities to refugees within the country and the relative simplicity of the law in their favour, and political considerations of providing a definitive interpretation on a law which would potentially allow thousands of refugees access to Ugandan citizenship. This has been the incentive for the politicians and the bureaucrats to allow the status quo to continue by maintaining an ambivalent line on what opportunities exist for naturalisation, whilst giving the impression that they are working towards a concrete ruling.

UNHCR, whether for pragmatic and/or political reasons, has maintained its distance from the Petition. Though the success of their programmes undoubtedly hinges on its outcomes, they have appeared to favour

waiting for the Court's determination without directly involving themselves in pushing the process forward. Similarly, after several years of uncertainty concerning the Petition's status, NGOs appear to have disengaged from an issue that they feel is more representative of high-level political interests than legal interpretation, and thus beyond their sphere of influence.

The result, however, is that opportunities for durable solutions within Uganda remain severely curtailed. Whilst the law would seem to suggest that refugees may naturalise provided they fulfil certain criteria, in the absence of any clear judicial interpretation on this issue refugees find their applications judged at the discretion of immigration officials who – basing their decisions on the popularised notion that refugees may not become citizens – invariably refuse them.

Though it remains unclear as to whose responsibility it should be to push this Petition forward, it is evident that the uncertainty about the status of the debate, the absence of discussions over its legal basis and the delegation of its resolution to the Constitutional Court will never result in the Petition going further than the archives. For those Congolese, Sudanese and Rwandan refugees who have lived in the country for at least the past two decades, speak the local languages and are *de facto* integrated as Ugandans, it is nonetheless crucial that the dialogue be reinvigorated to lobby the Court to issue its interpretation.

Georgia Cole [georgia.cole@gtc.ox.ac.uk](mailto:georgia.cole@gtc.ox.ac.uk) is studying for a DPhil at the Oxford Department of International Development, University of Oxford. [www.qeh.ox.ac.uk](http://www.qeh.ox.ac.uk)

1. The Aliens (Registration and Control) Act makes it clear that the category 'aliens' includes refugees.

---

**FMR's 'General articles':** Readers are encouraged to send us written submissions for publication on any aspect of contemporary forced migration. While each issue of FMR has a theme (this one is on 'Faith-based responses to displacement'), a part of each issue is generally set aside for articles on any other subjects related to refugees, IDPs or stateless people. You can submit an article at any time and it will be considered for publication in a forthcoming issue. Email us at [fmr@qeh.ox.ac.uk](mailto:fmr@qeh.ox.ac.uk)